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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,415	07/18/2003	Peter Massaro	P00728.70008.US (REH)	4159

23628 7590 09/02/2005

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EXAMINER

NAGPAUL, JYOTI

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,415	MASSARO, PETER	
	Examiner	Art Unit	
	Jyoti Nagpaul	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Bienert (US 6506611).

Bienert teaches a metering device for holding, moving and releasing fluid samples. Bienert teaches a tool body/metering station (200). The device further comprises of a coupling/metering head (100) constructed and arranged to mate with a corresponding coupling on a robot (150) and allow the robot to mechanically connect with the tool, manipulate the tool and mechanically disconnect from the tool. Bienert recites, "the block arrangement 200 can be provided as an exchangeable module of a metering station, similarly to the replaceable carrier plate described above." (See Col. 11, Lines 50-53) Bienert further recites, "a mount 150 set up for connection with a traversing drive, e.g., a picking/spotting system, and terminal connections 160 for the supply lines." (See Col. 6, Line 23-25) Bienert further teaches a device/actuating matrix (210)/processor mounted to the tool body for performing a function of the tool which receives a signal from a robot controller requesting the tool to perform the function, process the signal and cause at least one device/pipette to perform the function. Bienert recites, The actuating matrix 210 consists of the pneumatic cylinders,

which each have an actuating needle 220.” (See Col. 7, Lines 51-53) Bienert recites, “the pneumatic cylinders can be activated by operating the respective solenoid valve” (See Col. 7, Lines 52-53) Bienert further recites, “the switching elements 120 are electrically operable solenoid valves that exert an operating pressure provided by an operating pressure supply line (not shown) on the respective actuating element in the form of a pneumatic cylinder in response to a switching or control signal from the controller.” (See Col. 6, Lines 55-62) Bienert recites, “the actuators for activating the metering devices are designed to depend on the shapes of the devices. Depending on the application, any mechanical actuating element can be provided, which is electromagnetically, hydraulically or pneumatically activatable. In the microdrop metering devices mentioned, hydraulically or pneumatically actuated actuating cylinders (hereinafter: pneumatic cylinders) are preferably used as the actuating elements. In this case, each pneumatic cylinder is connected with the operating pressure line by a pressure line and a valve activatable by the controller.” (See Col.4 Lines 1-10) Bienert further recites, “the controller is part of the metering head. It comprises a circuit having in particular a command input and numerous control outputs corresponding to the number of actuating elements. Depending on a predetermined control signal at the command input, the controller is set up to activate one or more of the control outputs in a chronologically simultaneous, delayed or separate manner with electrical control signals independently of each other, in response to which the actuating elements are triggered. The controller preferably consists of a microprocessor having a serial interface as the command input and the mentioned plurality of control outputs. The

serial interface is connected with the main computer, e.g., a picking/spotting system.”

(See Col. 4, Lines 12-24)


Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. PCT/US03/22382 cites a X reference, Dingess (US 4561816). Dingess teaches a remote manipulator arm for positioning and operating tube sheet repair tools. Dingess does not teach releasing fluid samples as claimed by applicant in Claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jyoti Nagpaul whose telephone number is 571-272-1273. The examiner can normally be reached on Monday thru Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700